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Center for Whale Research
The Center for Whale Research (CWR) is dedicated to the study and conservation of the Southern Resident Killer Whale (Orca) population in the Pacific Northwest.

April 18, 2023

VIA Email:

To: Commissioner Hilary Franz
Board of Natural Resources
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Dear Commissioner Franz, Members of the Board of Natural Resources, and Ms. Griswold:

Re: Letter in Opposition to and Comments on TCB23 (FPA # 2617880/SEPA # 22-123001) and Power Plant (FPA # 2617830) timber sales in the Elwha River Watershed

We submit the following comments in opposition to the TCB23 and Power Plant timber sales in the Elwha River Watershed.[1]

The Earth Law Center, is a non-profit organization that advocates for new laws and policies to promote resilience, reciprocity, and holistic ecosystem restoration for the well-being of all life on this planet.

The Center for Whale Research (CWR) is dedicated to the study and conservation of the Southern Resident killer whale (orca) population in the Pacific Northwest. In October 2020, the Center for Whale Research took a leap into conservation to preserve salmon habitat by

[1] We recognize that the comment period on the Power Plant FPA has closed. However, we find it appropriate to include comments on that proposed timber sale because of the connectivity between the forests that comprise what are known as the Power Plant and TCB23 sales. We also note that, to date, there has been no SEPA analysis for Power Plant and consider preparation of such analysis to be part of DNR's legal obligation.

purchasing a ranch (named Balcomb Big Salmon Ranch after world renowned orca researcher Ken Balcomb) bordering both sides of the Elwha River, in a stretch of the mainstream river where most of the remnant native Chinook salmon now spawn. In doing so, it recognized that the Chinook salmon abundance from the Elwha River ecosystem can provide a healthy food source for the critically endangered Southern Resident Orca Whales and a sustainable, nearshore artisanal fishery.

The Center, therefore, has a substantial interest in enhancing salmon habitat by protecting watershed health of which healthy forests are integral. The recent Seattle Times article on First Nations' proposal to create "Salmon parks" provides an in depth look at the interconnectivity between forest and salmon health.

Extractive Logging in Elwha River Watershed Forests is Incompatible with Elwha River Restoration

The Federal Government has spent over $327 million on restoration of the Elwha Watershed post-dam removal. We urge the State to work with the larger scale restoration effort rather than at cross-purposes by destroying critical forest habitat. The Washington Supreme Court has made clear that DNR has wide discretion to determine how best to manage, make productive, and generate revenue from the approximately 2 million acres of forests it currently manages. An integrated approach that accounts for the health and well-being of all species is compatible with the State Environmental Policy Act (SEPA) which identifies the following purposes: "(1) To declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and [to] stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation." RCW § 43.21C.010.

The City of Port Angeles and many community members have expressed concerns about logging, particularly of older, structurally complex forests, in the Elwha River Watershed, sparked by the State's decision to log a forest by the sale name "Aldwell". On March 5, 2023, many people gathered to support the City's request for a pause on logging in the Elwha Watershed as covered by the Peninsula Daily News in "Protesters Rally Against Aldwell Logging", by public news service "Post-dam Elwha Thriving, but Logging Threatens Gains", and other media outlets.

Adverse Impacts to Hydrology

A science synthesis produced by the US Forest Service Pacific Northwest Research Station provides perhaps the most comprehensive compendium of how industrial logging practices contribute to hydrologic impairments in the region (Grant et al. 2008). The synthesis surveys over 100 peer-reviewed scientific studies spanning the last five decades and identifies a direct correlation between clearcut logging and increases in peak flows. Peak flows—a term to describe the maximum rate of water discharge in rivers and streams during storms—are associated with landslides, mass wasting, channelization, streambed

scour, and other forms of erosion that detrimentally affect fish. By causing water to move faster through the hydrologic system, industrial logging practices not only can contribute to the degradation of salmonid habitat, but also can endanger communities downstream by elevating the risks of floods and landslides. Increasing the "flashiness" of the hydrograph should be seen as a high priority to public agencies, especially in the aftermath of the unprecedented flood event of November 2021, which displaced hundreds of people, resulted in loss of life, and contributed to over $50 million in damages.

Mass wasting and landslides have significant adverse impacts on nearby streams and their aquatic habitat. The project area includes numerous non-fish bearing streams that run year-round (Type Np) and several ephemeral, non-fish bearing streams (Type Ns), as well as numerous wetland areas. While state forest practices regulations require some protection for type Np non-fish streams, these minimal buffers may not adequately mitigate mass wasting or turbidity impacts to the watershed.

Additionally, recent research has found clearcut-plantation silviculture (as advanced by the current proposal) reduces summer streamflows when compared to adjacent unlogged forests. Recently, researchers at Oregon State University published a study that drew conclusions about the role forest management plays in streamflow levels in summer months (Segura et al. 2020). Dr. Catalina Segura and her colleagues analyzed 60 years of data collected on paired stream basins in the Alsea Watershed, in Oregon's Coast Range. Some basins were logged according to the rules laid out by Oregon's current forestry regulations, while others were left standing and allowed to mature to over 100 years of age. The researchers found that streams in logged basins produced 50% less water during summer months than streams in unlogged basins. These streamflow deficits persisted for more than half of the year, being most pronounced in late summer. The researchers suggest that the high evapotranspiration rate of young Douglas-fir plantations is the primary cause of this deficit. In other words, younger trees use water less efficiently than older forests, which means young timber plantations draw more water out of the system and release it to the atmosphere, thereby contributing to less water flowing in streams and rivers.

Another related study conducted by Dr. Julia Jones and her colleague Timothy Perry studied data collected in eight paired basins over a six decade period to inquire into the streamflow consequences of industrial forest practices (Perry & Jones 2016). The researchers studied forestlands that were set aside over 70 years ago for the purpose of research located within the H.J. Andrews Experimental Forest (east of Eugene, Oregon) and the South Umpqua Experimental Forest (east of Roseburg, Oregon). Half of the basins studied were clearcut according to current legal standards, while the others were left standing.

The research produced a clear and powerful conclusion that young Douglas-fir plantations diminish summer streamflow by 50%, a finding corroborated by Segura et al. 2020. Perhaps more importantly, these streamflow deficits caused by industrial logging practices lasted for long periods of time. According to the six decades of data, low flows in clearcut-

and-replanted basins persisted and intensified for over a half century after the initial harvest of the basin. This means that clearcutting today will produce diminished water levels well into the late-21st century. Notably, scientists predict that climate change will dramatically alter hydrologic systems and lead to a water shortage crisis in the Pacific Northwest during the latter half of this century (Climate Impacts Group, University of Washington 2015).

While the study did not research forests in Washington, the findings linking tree plantations to diminished summer streamflows are highly applicable to our state's productive westside forests (Frissell 2017). Similar research regarding the impact of industrial forest practices have also been documented recently in a *Bellingham Herald* article, "Logging forests takes this toll on already strained Nooksack River, research suggests." These studies have important implications for forest management in Washington because they suggest that industrial forest practices—especially when conducted on a watershed-scale—can greatly diminish water quantity in the summer months, when farmers and salmon need it most.

Extractive Logging in the Elwha River Watershed Threatens the Well-being of its Non-Human Inhabitants

As part of an ongoing federal lawsuit, the US Fish & Wildlife Service is preparing a new biological opinion for the Washington State Trust Lands Habitat Conservation Plan (HCP). The HCP is what allows DNR to operate under an incidental take permit (allowing it to harm and kill species) under the Endangered Species Act. Insofar as the HCP is designed to protect threatened and endangered species, application of the precautionary principle warrants a pause on all logging of habitat that may need to be conserved to protect these species, including the forest habitat with the sale names TCB23 and Power Plant.

Harvesting these forests also compromises DNR's obligation to set aside land to reach the older forest objectives under the existing HCP. DNR has failed to follow its own HCP implementation procedures for Identifying and Managing Structurally Complex Forests to Meet Older Forest Targets within each HCP planning unit. We urge the DNR to consider the arguments made by the plaintiff in *CRF v. DNR* (Division II Appellate Court Case No. 569647-II). There is evidence based on data obtained from DNR's Public Disclosure Office that DNR has only set aside 5,846 acres of structurally complex forests in the Straits HCP planning unit for conservation, which represents less than 5% of the Straits HCP planning unit that has protected, structurally complex forests that are excluded from commercial timber harvest. Harvesting TCB23, which is in the Straits planning unit, would result in the loss of structurally complex forest that should be set aside to meet older forest targets. DNR has failed to identify, map, designate, and protect structurally complex forests as required by law.

The State's Review and Assessment of the Power Plant and TCB23 Sales is Wholly Inadequate

The FPA and SEPA for TCB23 and the FPA for Power Plant are inadequate in a number of ways, including:

1) failure to adequately consider impacts of extractive logging on the Elwha River Watershed and its inhabitants including salmon, marbled murrelet, northern spotted owl, bears and cougars. The FPAs and SEPA recognize the presence of the iconic and endangered species in these forests but take insufficient or non-existent mitigation measures.

2) failure to adequately consider impacts of extractive logging on species that depend upon the health of the Elwha River Watershed, in particular, the Southern Resident Orcas.

3) failure to consider cumulative impacts of extractive logging in the Elwha River Watershed. The FPAs and SEPA do not consider the cumulative impact of logging these two areas, totaling approximately 172 acres, at or near the same time. Nor is there any consideration of the cumulative impact in relation to the total logging that has occurred on all forest lands (both state and private) in the Elwha River Watershed.

4) failure to adequately consider impacts on climate change and climate resilience, including, but not limited to, the failure to assess greenhouse gas emissions from logging activities on a per project basis. We refer DNR to the arguments made by plaintiffs in *Center for Sustainable Economies et al. v. Washington Department of Natural Resources et al*. (Jefferson County Superior Court, Case No. 22-2-00015-16) and Judge Harper's Order in that case. The additional and generic language DNR now includes in its review documents still fails to undertake an appropriate and site-specific greenhouse gas emissions and climate change analysis.[2] Please see attached Declaration and CV of Dominick DellaSalla. Further, Executive Order 18-01, signed by Governor Jay Inslee in 2018, requires all State agencies to consider how their actions contribute to climate change, and to take steps to reduce greenhouse gas emissions. The proposed timber sales do the opposite. Research strongly suggests that mature forests like those found in TCB23 store and absorb more carbon per acre than any other forests in the world, and play an important role in the fight to combat climate change. The continued clearing of mature forests in the Elwha River Watershed will release more carbon into the atmosphere, and reduce the capacity of the forests to sequester carbon. Because DNR has failed to consider

[2] We refer to and incorporate the science, studies, and arguments of general applicability regarding the generic language DNR is adding to environmental checklists to purportedly meet its obligation to consider climate impacts made by Center for Sustainable Economy and Save the Olympic Peninsula in their comments dated December 22, 2022 regarding North Cavanaugh (File # 22-121301), Overlook (File #22- 121302), South Robbins (File #22-121501), T3 C-1400 (File #22-122001), T3 C-2800 (File #22- 122101), Uptick (File #22-122201) and Wilson (File #22-122301) timber sale proposals.

the cumulative impacts of this and other similar timber sales on climate change, or develop a plan to mitigate such impacts, the proposed timber harvests violate Executive Order 18-01.

5) failure to adequately address slope stability concerns for TCB23 which pose a significant hazard to the Elwha River and its unique and recovering salmon habitat. We urge DNR to consider and hereby incorporate and reiterate the Geotechnical Reviews prepared by North Shore Geo, PLLC and attached to the Jan. 13, 2023 SEPA comments and April 18, 2023 FPA comments of Olympic Forest Coalition.[3] The Power Plant FPA similarly acknowledges the presence of unstable slopes but fails to adequately address the consequences of logging in such areas.

6) failure to take adequate precautionary measures with regard to stream impacts despite the close proximity to the Elwha River and streams feeding into the Elwha. For TCB23, for instance, DNR recognizes the likelihood of waste materials such as sediment or slash entering surface water, but has failed to identify adequate mitigation measures or fully and properly assess the risk to recovering salmon populations. Standard setback and buffer zones are inadequate, particularly given the unique situation presented by Elwha River restoration.

7) failure to consider the impacts the proposed logging will have on connected habitat. TCB23 is part of a larger tract of some of the last remaining structurally complex forest in that area of the watershed. Power Plant is part of a larger and significant wildlife corridor that runs along the Elwha River. Several Power Plant units border National Park Service (NPS) land and are in very close proximity to the Elwha River itself. This again indicates that DNR is not adequately considering the impact of its activities on the greater efforts to restore the Elwha River Watershed post-dam removal and appropriately looking at the ecosystem's health as a whole.

8) failure to consider alternatives to extractive logging. There is no evidence that DNR has considered alternatives to clearcut logging for either TCB23 or Power Plant. This is particularly concerning because the forests covered by these sales are not monocrop plantations.

9) failure to consider impacts to the City of Port Angeles' drinking water whose sole source is the Elwha River.

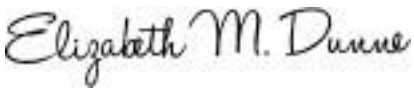
10) failure to consider impacts on recreation, in particular as to the Olympic Adventure Trail, the Colville MBT, trails that access the former lower Elwha dam site, and popular climbing areas. Use and enjoyment of these areas will be significantly

[3] We further incorporate and reiterate Olympic Forest Coalition's Jan. 13, 2023 SEPA comments and April 18, 2023 FPA comment for TCB23 regarding the harvest of older, structurally complex forests and fragmentation of marbled murrelet habitat and its concerns expressed regarding the Taylor's Checkerspot Butterfly habitat restoration and management.

impacted during logging operations and post-logging due to loss of aesthetic beauty and opportunity for wildlife viewing. The documents make no consideration of such impacts.

We respectfully request that DNR consider these comments, cancel the TCB23 and Power Plant timber sales, and work with all stakeholders to protect and restore the Elwha River Watershed.

Respectfully,



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cc: Clallam County Commissioners